



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/316,072	05/21/1999	SHASHANK MERCHANT	50100-776(D2	7329

20277 7590 10/01/2002
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

LUTHER, WILLIAM A

ART UNIT PAPER NUMBER

2664

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

10/7/04

11

Office Action Summary

Application No.

09/316,072

Applicant(s)

MERCHANT ET AL.

Examiner

William A. Luther

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2664

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 5-9, 13-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,515,376 issued to Murthy et al ('376).

Considering claim 1, '376 teaches: a plurality of receiving devices corresponding to ports on the multiport switch (see, e.g., print figure 1 and its description); each of the receive devices configured to receive data frames and transmit the data frames on an internal bus to an external memory interface (see, e.g., figure 6 and its description); a plurality of queues corresponding to ports on the multiport switch, the plurality of queues formed on a memory device that includes a write port and a read port to enable data to be written to and read from the memory device wherein each of the plurality of queues is configured to store frame header information received via the write port (see, e.g., figures 10a-b and related description, see also col. 10, lines 32-35); a scheduler ('376's time slots are allocated and that performing apparatus appears to be a

Art Unit: 2664

“scheduler”); a decision making engine, See e.g., Figure 6 item 43. To the extent that ‘376 does not teach does not teach writing and reading from memory simultaneously it would have within the level of skill and obvious to the ordinary artisan of 5/21/99 for the benefit of a faster (and more efficiently operating) switch.

Considering claim 5, see ‘376's figure 2 and its description.

considering claim 6, headers in virtually local area network's always or almost always contain related information.

Considering claim 7, see col 10 at lines 30-35.

Considering claim 8, see the rejection to claim 1 above. In addition see col. 18 at lines 48-59, col. 13 at lines 36-42.

Considering claim 9, priority consideration was well known to the instant ordinary artisan of May 21, 1999 and used to better assure that time sensitive transmissions are less interrupted (e.g., video). Further, it appears that headers are always or almost always in predetermined time slots. See ‘376, e.g., figure 2.

Considering claim 13, see the rejection to claim 6 above

Considering claim 14, see the rejection to claim 8 above.

Considering claim 17, see ‘376 figure 2.

3. Claims 2-4, 10-12, and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2664

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Luther whose telephone number is (703) 308-6609. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

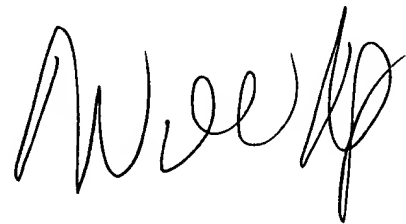
Washington, D.C., 20231

or facsimiles to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist.) Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology 2600 Customer Service Office whose telephone number is (703) 306-0377.

William Luther
Primary Examiner

A handwritten signature in black ink, appearing to read 'W. Luther', with a stylized flourish at the end.